

No. 9/8/86-6Lab./5982.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad; in respect of the dispute between the workman and the management of M/s Elson Cotton Mills Limited, Ballabgarh.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 129 of 1985

between

SHRIMATI BANSHURI DEVI, WORKMAN AND THE RESPONDENT-MANAGEMENT OF  
M/S. ELSON COTTON MILLS LIMITED, BALLABGARH

Present :

Shrimati Bansari Devi, Lady workman in person.

Shri Subhash Chand Mukhiya, Manager, for the respondent-management.

#### AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. XIV of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/8078/83, dated 4th March, 1985 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shrimati Banshuri Devi, workman, and management of M/s Elson Cotton Mills Limited, Ballabgarh. Accordingly, it has been registered as reference No. 129 of 1985.

2. The necessity of making the said reference has arisen in the following unavoidable circumstances. Shrimati Banshuri Devi, now so called workman, was employed as a Reeler in the Reeling Department of respondent-management with effect from 10th December, 1967. It was alleged by the management that workman had resorted to violent and disorderly behaviour and on that account lock-out of the Mill was declared with effect from 12th December, 1983, and as a result of settlement that could be lifted with effect from 24th May, 1984. The contention has been that workmen were required to report on duty up to 21st June, 1984, but this workman had not turned up, and, as such, her services were taken as having been terminated without making any payment to her. Feeling aggrieved of the same, she had served a demand notice upon the management to reinstate her into services without any break and with full back wages. The said matter could not be settled at departmental enquiry and for that purpose, the following issue was framed :—

(1) Whether the services of Shrimati Banshuri Devi were legally terminated, and if not, to what type of relief she is entitled for?

3. Notice of the said reference was issued to the management and on their behalf detailed written statement has been filed pleading *inter alia* to justify the termination of her services. In support of the same, memorandum of settlement dated 21st May, 1984 and incidental documents have also been placed on file. At later stage, the respondent-management have also come forward to take her back in the service, however, without back wages.

4. The matter in dispute was fixed for 13th June, 1986, and at the request of the parties the same has been taken up today. The parties have settled the dispute among themselves, and to that effect necessary papers have been attached. Statement of workman has also been recorded and she has deposed on oath that towards damages and compensation she has received an amount of Rs. 5,500 from the management and has finally settled the matter and now it be treated as closed.

5. In view of said final settlement of the matter in dispute, this workman, now, will have no right to reinstatement/re-employment with the respondent management. In accordance with the same, the Award is hereby given to the effect that the dispute has been fully settled.

Dated the 10th June, 1986.

A. S. CHALIA,  
Presiding Officer,  
Labour Court,  
Faridabad.

Endst. No. 1493, dated the 13th June, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947:

A. S. CHALIA,  
Presiding Officer,  
Labour Court,  
Faridabad.